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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

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11 BRITTNI COTTLE-BANKS, an individual,
12 on behalf of herself and of all others
similarly situated,

13 Plaintiffs,

14 v.

15 COX COMMUNICATIONS, INC., a
16 Delaware Corporation; and DOES 1
through 100, inclusive,

17 Defendants.

Case No. 10cv2133 BTM(WVG)

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19 **ORDER GRANTING MOTION TO**
20 **STAY CASE PENDING DECISION**
21 **OF THE JUDICIAL PANEL ON**
22 **MULTIDISTRICT LITIGATION TO**
23 **CONSOLIDATE AND TRANSFER**
24 **TAG-ALONG ACTION**

25 Defendant has filed a motion to stay this case pending a decision by the Judicial Panel
26 for Multidistrict Litigation (“MDL Panel”) whether to transfer this case to the Western District
27 of Oklahoma and consolidate it into In re: MDL 2048 Cox Enterprises, Inc., Set-Top Cable
28 Television Box Antitrust Litigation. For the reasons discussed below, Defendant’s motion is
GRANTED.

29 This action is the subject of a Conditional Transfer Order, conditionally transferring the
30 case to the Western District of Oklahoma for coordinated or consolidated pretrial proceedings
31 pursuant to 28 U.S.C. § 1407. Plaintiff has filed a notice of opposition to the Conditional
32 Transfer Order. Plaintiff’s opposition is scheduled for hearing before the MDL Panel on
33 January 27, 2011.

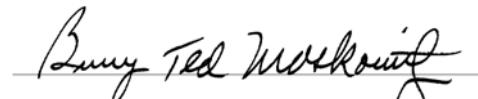
1 In determining whether to issue a stay of proceedings pending transfer proceedings
2 before the MDL Panel, courts generally consider three factors: (1) potential prejudice to the
3 non-moving party; (2) hardship and inequity to the moving party if the action is not stayed;
4 and (3) the judicial resources that would be saved by avoiding duplicative litigation if the
5 cases are in fact consolidated. Rivers v. Walt Disney Co., 980 F. Supp. 1358, 1360 (C.D.
6 Cal. 1997).

7 The Court finds that a stay of this case pending a transfer decision by the MDL Panel
8 would promote judicial economy and avoid the possibility of conflicting rulings. Because it
9 appears that a ruling on the transfer is imminent, Plaintiff will not suffer any prejudice.
10 Plaintiff's arguments regarding whether this case is appropriate for transfer are better
11 directed to the MDL Panel.

12 The Court **GRANTS** Defendant's motion to stay these proceedings pending a transfer
13 decision by the MDL Panel. This case is **STAYED** until further order of the Court.

14 **IT IS SO ORDERED.**

15 DATED: December 30, 2010



16
17 Honorable Barry Ted Moskowitz
18 United States District Judge

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